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06/12/91

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4263

AN ORDINANCE reclassifying approximately 2.9 acres of property located at 5520 - 164th Way S.E. in the City of Bellevue, to permit a continuation of the present temporary use for up to four more years upon application of Newcastle Development Company.

WHEREAS, Newcastle Development Company filed an application to amend the conditions of the current P0/C zoning of property located at 5520 - 164th Way S.E.; and

WHEREAS, on March 28, 1991, a public hearing was held on the application before the Hearing Examiner Pro Tempore upon proper notice to all interested persons; and

WHEREAS, on May 13, 1991, the Hearing Examiner Pro Tempore recommended to the City Council approval of said application, and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on May 23, 1991, the Hearing Examiner Pro Tempore issued an Order clarifying his recommendation to the City Council; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner Pro Tempore as as clarified by his Order of May 23, 1991 and has determined that the public use and interest will be served by reclassifying said property; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions based thereon made and entered by the Hearing Examiner Pro Tempore in support of his recommendation to the City Council of May 13, 1991, approving the reclassification application with regard to the hereinafter described property, as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner Pro Tempore for the City of

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Bellevue, In the Matter of the Application of Newcastle Development Company, to Amend Conditions of Zoning, File No. REZ 90-8859" as clarified by the Hearing Examiner Pro Tempore's Order of May 23, 1991.

Section 2. The following described property is hereby reclassified by amending conditions of zoning on said property, subject to the conditions set forth in the Concomitant Agreement required herein:

That portion of the East half of the Southeast quarter of the Northeast quarter of Section 23, Township 24 North, Range 5 East, W.M., King County, Washington, described as follows:

Commencing at the Northeast corner of said subdivision; thence North 89°07'01" West along the North line thereof 39.64 feet to the True Point of Beginning; thence South 16°29'55" East 50.47 feet; thence South 44°00'30" West 105.00 feet; thence South 13°22'28" East 66.08 feet to the Northwestern margin of Lakemont Boulevard, in King County, Washington; thence South 34°51'31" East 40.00 feet to the center line of said Lakemont Boulevard; thence Southwesterly along said center line to the Southerly extension of the Easterly margin of 164th Way S.E. (Newcastle Road) and a point on a 507.36 foot radius non-tangent curve concave to the West; thence Northerly along said extension and curve to a point of tangency of said Southerly extension; thence Northerly along said Southerly extension and the Easterly margin of 164th Way S.E. to the North line of the Southeast quarter of the Northeast quarter of said Section 23; thence South 89°07'01" East along said North line to the True Point of Beginning.

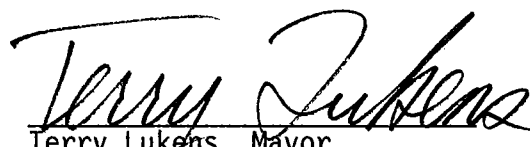
This reclassification by amending the conditions of zoning is conditioned on full compliance by the owner(s) of said property and its heirs, assigns, grantees, or successors in interest, with the terms and conditions of that certain Concomitant Agreement executed by Newcastle Development Company, which has been given Clerk's Receiving No. 16658 and which is adopted by reference into this ordinance as if it were fully set forth herein.

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Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

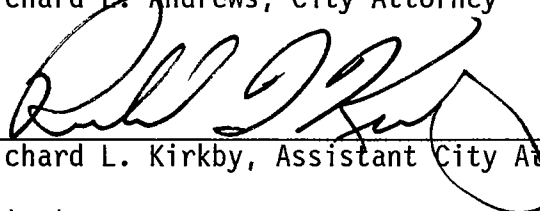
PASSED by the City Council this 24<sup>th</sup> day of June, 1991, and signed in authentication of its passage this 24<sup>th</sup> day of June, 1991.

(SEAL)

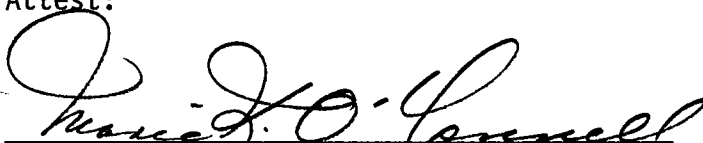
  
Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Kirkby, Assistant City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published June 28, 1991